

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/27/2022
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PETER EICHIE,

Plaintiff,

-v-

KILOLO KUAKAZI, *Acting Commissioner of Social  
Security Department for the United States,*

Defendant.

21-cv-10712 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court is in receipt of a letter from the *pro se* Plaintiff in this case objecting to further delay of the action and seeking, among other things, the assignment of counsel.<sup>1</sup> The objection to further delay is well-taken—the Court will not grant further extensions to Defendant absent a showing of good cause.

The Court has authority to request an attorney to represent a person who is unable to afford counsel. The relevant factors are set forth in *Hodge v. Police Officers*, 802 F.2d 58, 60–62 (2d Cir. 1986), *cert. denied*, 502 U.S. 986 (1991). The Court considers (1) whether plaintiff’s position “seems likely to be of substance”; (2) whether the issues presented “might require substantial factual investigation” and “the indigent’s ability to investigate the crucial facts”; (3) “the plaintiff’s apparent ability to present the case” and “whether conflicting evidence implicating the need for cross-examination will be the major proof presented to the fact finder”; (4) whether the “case’s factual issues turn on credibility”; (5) whether the legal issues presented are complex; and (6) “any special reason . . . why appointment of counsel would be more likely to lead to a just determination.” *Id.* at 60–62.

This case is at an early stage, and it is not yet known what issues are in dispute. Nor has the merits of the complaint been tested by a motion to dismiss. The Court is not able to make the *Hodge*’s finding in favor of Plaintiff at this time. Accordingly, the motion for appointment of counsel is DENIED without prejudice. Eichie is informed, however, that the New York County Lawyers Association provides free legal assistance to some individuals who cannot afford lawyers in Social Security cases; he may wish to contact this Association. A flyer for this

<sup>1</sup> Plaintiff also “ask[s] that this court consider an order for a temporary injunction to enforce the Administrative Judge’s decision and determination – retroactive actions.” Dkt. No. 13. Petitioner has not set forth a basis for why he is entitled to emergency relief, and any such request is therefore denied.

program is attached.

The Clerk of Court is respectfully directed to mail a copy of this Order to the Plaintiff.

SO ORDERED.

Dated: April 27, 2022  
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN  
United States District Judge



**To all individuals who have Social Security or Supplemental Security Income cases:**

The New York County Lawyers Association has provided free legal assistance to thousands of people who cannot afford lawyers. If you cannot afford a lawyer, you may qualify for free legal representation in your appeal in the Southern District of New York.

If you would like to consult with a lawyer, please call Carolyn A. Kubitschek, at (212) 349-0900. We cannot promise that everyone who calls will get a lawyer, but we are committed to providing as many individuals as possible with free legal representation in their federal appeals.

Sincerely,

A handwritten signature in cursive script that reads "Anthe Maria Bova".

Anthe Maria Bova

General Counsel & Director of Pro Bono Programs